

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EDGARDO RODRIGUEZ,

Petitioner,

vs.

KIM HOLLAND, Warden,

Respondent.

Case No: C 11-0935 SBA

**ORDER SUBSTITUTING
RESPONDENT**

Petitioner has notified the Court that he has been transferred to the California Correctional Institution (“CCI”), and requests that the Court substitute Kim Holland, warden of CCI, as the respondent, in place of R.T.C. Grounds. Dkt. 6. Petitioner also requests that the Court include Jeffrey A. Beard, the current Secretary of the California Department of Corrections and Rehabilitation, as a respondent. Id.

Rule 2 of the Rules Governing § 2254 Cases provides that the state officer having custody of a habeas petitioner shall be named as the respondent. See Rule 2(a), 28 U.S.C. foll. § 2254. The California penal system places prisoners in the custody of both the Director of Corrections and the warden of the California prison where the petitioner is incarcerated. See Ortiz-Sandoval v. Gomez, 81 F.3d 891, 895-96 (9th Cir. 1996) (the warden of a California prison and the Director of Corrections for California have the power to produce the prisoner”). Kim Holland is the warden at Petitioner’s current place of incarceration and therefore will be substituted as the respondent in place of R.T.C. Grounds. See Fed. R. Civ. P. 25(d). Since Ms. Holland satisfies the requirements of Rule 2(a), there is no need to also name Mr. Beard as a respondent.

IT IS SO ORDERED.

Dated: April 18, 2014


SAUNDRA BROWN ARMSTRONG
United States District Judge